



MORRIS, MANNING & MARTIN, LLP

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TO: United States Patent and Trademark Office

NAME: Examiner Gerald J. O'Conner

DATE & TIME: July 25, 2005

PAGES TO FOLLOW: 3

FAX NUMBER: 571 273 8300

FROM: Morris, Manning & Martin, LLP

CHARGE TO:

NAME: John R. Harris

CLIENT/MATTER: 10161-28700

PHONE: (404) 233-7000

CONFIRMATION TIME:

HR MIN SEC

RESPONSE TO (SECOND) RESTRICTION REQUIREMENT

Serial No. 09/473,383

Applicant: Morea et al.

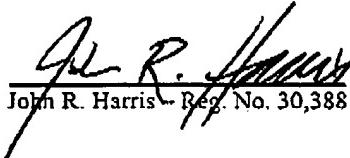
Filed: December 28, 1999

Group Art Unit: 3627

Confirmation No.: 9919

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office by facsimile to number (571) 273-8300, on July 25, 2005.


 John R. Harris Reg. No. 30,388

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Patents
Serial No. 09/473,383

24728

PATENT - TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DOMINIC J. MOREA, ET. AL.) Group No.	3627
)	
Serial No.:	09/473,383) Examiner:	G. J. O'Connor
)	
Filing Date:	DECEMBER 28, 1999) Confirmation	No. 9919
)	
Entitled:	MERCHANT ACCOUNT ACTIVATION SYSTEM) Art. Docket	10161-28700
)	

RESPONSE TO (SECOND) RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313

Via Facsimile 571 273 8300

Sir:

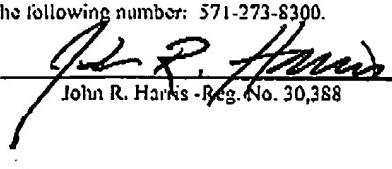
Responsive to the Office Action mailed June 24, 2005 containing a restriction requirement, and in connection with this now second Request for Continued Examination (RCE), the applicant hereby elects the Group I inventions (claims 1-14, 17-19, 22, 23, and 45), *with traverse*.

The examiner is, however, requested to reconsider the grouping and, if a restriction is believed necessary, rearrange the grouping of the claims in a more logical manner.

Firstly, it is noted that this is the *second* restriction requirement. A first restriction requirement was made in the Office Action of January 7, 2005, and an election was made in the paper filed April 7, 2005. As there has already been an examination of this application for purposes of restriction, and an election made, and no more claims added other than claims in compliance with *In re Beauregard*, further restriction is appropriate.

CERTIFICATE OF TRANSMISSION

I hereby certify under 37 C.F.R. § 1.8 that this correspondence is being filed via facsimile at the United States Patent and Trademark Office on July 25, 2005 to the following number: 571-273-8300.



John R. Harris - Reg. No. 30,388

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BU129R157 v1 - 10161-28700 Resp. to RR

Patents
Serial No. 09/473,383

Certain groups of claims now in this application (but not those in the groups identified by the examiner) are generally related as method, apparatus, and *In re Beauregard* counterparts. Because certain aspects of certain claims are closely related, it is believed that the grouping made by the examiner is confusing and illogical. For example, these independent claims have certain aspects in common, among other things:

Applicant Grouping	Claims	
A	1 (method), 26 (apparatus), and 53 (<i>Beauregard</i>)	all include the aspect of configuring a point of sale terminal
B	17 (method), 40 (apparatus), and 54 (<i>Beauregard</i>)	all include the aspects of a credit risk score, configuring an account file, and issuing a visitation order
C	22 (method), 43 (apparatus), and 55 (<i>Beauregard</i>)	all include the aspects of risk adjustment measures and configuring a point of sale terminal.

The examiner's grouping fails to take the commonality of these claims, and their similar aspects and limitations, into account. For example, the examiner indicated that the Group III claims (53-55) are drawn to an arrangement for credit (risk) processing or loan processing, when in fact, applicant's grouping B (17, 40, and 54) take into consideration a credit risk score when determining terms and conditions for a particular merchant, configuring an account file, and electronically issuing a visitation order. On the other hand, applicant's grouping C (claims 22, 43, and 55) utilize business risk category information and risk adjustment measures when configuring a point of sale terminal.

Likewise, the examiner indicated that the Group II claims (26-44 and 46) were drawing to a system of automated financial, business, or management practice arrangement for electronic shopping (e.g. remote ordering). However, this grouping crosses applicant's grouping of A, B, and C, but admittedly includes all the apparatus claims.

Accordingly, the examiner's grouping is not understood, and it is requested that the requirement be withdrawn and all claims kept together in a single case. Furthermore, this being the second restriction requirement, it is submitted that any further restrictions are not appropriate at this stage in the prosecution, which now has extended for five and half years. It is time to conclude this case and allow the claims.

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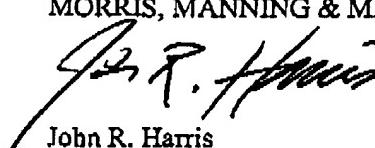
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For the foregoing reasons, it there respectfully requested that the restriction be withdrawn and that a Notice of Allowance be promptly issued.

The foregoing is submitted as a full and complete response to the Office Action mailed June 24, 2005 and is believed to have placed all claims in condition for allowance. Such action is courteously solicited. If any issues remain that can be resolved by telephone, the examiner is respectfully requested to contact the undersigned at 404 504 7720.

MORRIS, MANNING & MARTIN, LLP Respectfully submitted,
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326
(404) 233-7000
(404) 365-9572 - fax
jharris@mmlaw.com

MORRIS, MANNING & MARTIN, LLP


John R. Harris
Reg. No. 30,388

Docket 10161-28700

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